

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No: 2011-32065
Issue No: 3002
Case No: [REDACTED]
Hearing Date:
June 1, 2011
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 1, 2011. The Claimant appeared and testified. Erin Nieman, FIM and Lisa McSwain, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated and decreased the Claimant's Food Assistance Program ("FAP") benefits effective 3/1/11.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant is an ongoing FAP recipient and currently receives a FAP benefit monthly allotment of \$142. Exhibit 5
2. The Claimant's group consists of 1 member and is a SDV group.

3. The claimant's rent is \$175 per month and the budget prepared by the Department included a Heat and Utility Standard expense of \$588. Exhibit 1
4. The previous budget prepared by the Department was based on the Claimant receiving no income as the Department did not include the Claimant's RSDI income he reported.
5. The Claimant receives \$779.00 per month in RSDSI benefits. The Claimant confirmed that the monthly income was correct. Exhibit 3
6. The Department determined the gross unearned income for the FAP group to be \$779. Exhibit 1 and 3.
7. The Claimant requested a hearing on April 25, 2011, protesting the reduction of his Food Assistance Benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department Policy defines household income to include RSDI and benefits which are considered unearned income. The Department must include all income earned and unearned income in the FAP budget and must include the gross income. BEM 500, 550.

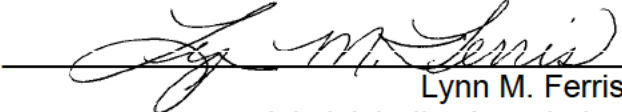
A standard deduction of \$141 for a group of one person is deducted from the gross unearned income of FAP recipients in determining FAP grants. RFT 255. Deductions for excess shelter are also made. BEM 554. Medical expenses over \$35.00 are also taken into consideration for groups with one or more SDV (Senior, Disabled or Veteran). BEM 554, P. 1.

In the present case, according to the aforementioned policy on budgeting for FAP benefits, Claimant had a gross monthly income of \$779, which was calculated by the Department based upon the SOLQ reports and confirmed at the hearing by the Claimant. The Adjusted gross income was determined to be \$638 which is correct. The department deducted the standard deduction from the gross income to determine the adjusted gross income. ($\$779 - \$141 = \$638$). Exhibit 1. The excess shelter amount of \$445.00 was based upon the claimant's rent of \$175 per month and a standard utility expense of \$588 included in all FAP budgets was included Exhibit 2. The excess shelter amount was subtracted from the adjusted gross income of \$638 to get the net income amount of \$193. The amount of food assistance allotment is established by RFT 260. A household of one person with a net monthly income of \$193 as of 6/1/11 is entitled to a monthly FAP grant of \$142.00 per month. RFT 260. As the Claimant is receiving RSDI, ongoing medical expenses may be considered as a medical expense when computing FAP benefits. In this instance, the Claimant did not report any ongoing medical expenses but may want to consider this as a factor in the future, should medical expenses of an ongoing nature arise. These expenses would have to be reported to the Department and verified.

Based upon the foregoing review, it is found that the Department correctly calculated the Claimant's FAP benefits and its determination in that regard is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department correctly calculated the Claimant's FAP benefits and its determination, that the Claimant is entitled to \$142 per month in FAP benefits beginning March 1, 2011, is correct and is AFFIRMED.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 06/06/11

Date Mailed: 06/07/11

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LMF/dj

cc:

